BILL NO. S-87-09-23

SPECIAL ORDINANCE NO. S-254-87

AN ORDINANCE approving the Contract for Res. 6103-87 - Premiere Drive, Storm Sewer, Street & Sidewalk, between Gaines Construction Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Contract for Res. 6103-87 - Premiere Drive, Storm Sewer, Street & Sidewalk, by and between Gaines Construction Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety, for:

this is deemed necessary to improve Premiere Drive from Lower Huntington Road to Airline Drive with new storm sewer, street & sidewalks;

the Contract price is One Hundred Two Thousand Five Hundred Eighty and 40/100 Dollars ($120,580.40), all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and Safety and, is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger
Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Talarico seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico seconded by Eisbart, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA				✓	
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~(RESOLUTION)~~ NO. S-25487 on the 13th day of October, 19 87,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 19 87, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of October, 19 87, at the hour of 11:50 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

NOTICE OF AWARD

TO: Gaines Construction Company

217 W. Washington Center Road

Ft. Wayne, IN 46826

PROJECT DESCRIPTION Contract for Res. 6103-87 Premier Drive

Storm Sewer, Street, Curb & Sidewalk

The OWNER has considered the BID submitted by you for the above-described WORK, in response to its advertisement for bids dated _____

You are hereby notified that your BID has been accepted for items in the amount of $ $102,580.40.

You are required to furnish Contractor's Performance and Guaranty Bond, Payment Bond and Certificate of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 16 day of Sept., 1987.

Win C. Moses, Mayor

Contract Compliance

OWNER
City of Fort Wayne

By _____
Baron R. Biedenweg

Title Director

Cosette R. Simon, Member

Gregory A. Purcell, Member

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by

_____

Title _____

cc: Betsy Meyer
Jess Yoder
Street Eng.

BID TAB DATE: 9-2-87

PROJECT: PREMIERE DRIVE RES. NO: 6103-87

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST ($)	AMOUNT ($)	BIDDER: GAINES CONST. UNIT COST ($)	GAINES CONST. AMOUNT ($)	BIDDER: JOHN DEHNER, INC. UNIT COST ($)	JOHN DEHNER, INC. AMOUNT ($)	BIDDER: BROOKS CONST. CO. UNIT COST ($)	BROOKS CONST. CO. AMOUNT ($)	BIDDER: S. E. JOHNSON UNIT COST ($)	S. E. JOHNSON AMOUNT ($)
.	Common Excavation	1100	CY	10.00	11000.00	8.00	8800.00	6.25	6875.00	2.00	2200.00	11.00	12100.00
.	Concrete Removal	382	SY	5.00	1910.00	5.00	1910.00	10.00	3820.00	8.50	3247.00	10.00	3820.00
.	18" RCP Storm Sewer	360	LF	28.98	10432.80	38.00	13680.00	26.93	9694.80	51.00	18360.00	50.00	18000.00
.	12" RCP Storm Sewer	27	LF	20.02	540.54	35.00	945.00	18.00	486.00	19.00	513.00	35.00	945.00
.	Special Backfill	500	CY	16.90	8450.00	8.00	4000.00	16.50	8250.00	13.00	6500.00	10.60	5300.00
.	Field Tile Replacement	200	LF	11.51	2302.00	7.75	1550.00	10.00	2000.00	5.00	1000.00	9.70	1940.00
.	Type I-C Manhole	1	EA	2750.00	2750.00	1500.00	1500.00	1400.00	1400.00	4500.00	4500.00	1875.00	1875.00
.	Type I-C Inlet	1	EA	950.00	950.00	600.00	600.00	500.00	500.00	1000.00	1000.00	1350.00	1350.00
.	Type II-C Inlet	1	EA	1250.00	1250.00	700.00	700.00	600.00	600.00	1050.00	1050.00	1525.00	1525.00
0.	6" Sub-Surface Drain	1200	LF	6.50	7800.00	6.00	7200.00	8.50	10200.00	5.00	6000.00	2.00	2400.00
1.	6" Concrete Pavement	1800	SY	25.00	45000.00	18.00	32400.00	18.50	33300.00	21.50	38700.00	28.00	50400.00
2.	Type II-A Curb	1200	LF	4.00	4800.00	3.50	4200.00	3.25	3900.00	4.50	5400.00	2.00	2400.00
3.	6" Concrete Drives	255	SY	25.00	6375.00	25.00	6375.00	22.00	5610.00	32.00	8160.00	20.00	5100.00
4.	Top Soil	75	TON	12.00	900.00	10.00	750.00	24.00	1800.00	18.00	1350.00	16.25	1218.75
5.	Backfill for Parkstrip	40	TON	5.00	200.00	0.01	0.40	7.50	300.00	7.50	300.00	16.25	650.00
6.	#73 Stone	155	TON	10.00	1550.00	11.00	1705.00	9.70	1503.50	9.40	1457.00	12.50	1937.50
7.	4" Sidewalk	6000	SF	2.00	12000.00	2.00	12000.00	2.00	12000.00	2.10	12600.00	2.00	12000.00
8.	6" Wingwalk	150	SF	3.20	480.00	3.50	525.00	2.30	345.00	2.80	420.00	3.30	495.00
9.	#53 Base HAC	50	TON	30.00	1500.00	35.00	1750.00	40.00	2000.00	34.00	1700.00	45.00	2250.00
0.	#9 Binder	15	TON	30.00	450.00	36.00	540.00	42.00	630.00	44.00	660.00	50.00	750.00
1.	A-2 Surface	10	TON	30.00	300.00	45.00	450.00	100.00	1000.00	70.00	700.00	55.00	550.00
2.	Fine Grade,Seed,Mulch & Fertilizer	1000	SY	1.50	1500.00	1.00	1000.00	0.60	600.00	1.00	1000.00	2.25	2250.00
				TOTAL:	$122,440.34	TOTAL:	$102,580.40	TOTAL:	$105,814.30	TOTAL:	$116,817.00	TOTAL:	$129,256.25
						% over	0.00%	% over	0.00%	% over	0.00%	% over	5.27
						% under	16.22%	% under	12.76%	% under	4.59%	% under	0.00

B I D

CONTRACTOR: Gaines Const. Co. Inc.

PROJ: PREMIERE DRIVE

RES. NO: 6103-87

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST ($)	AMOUNT ($)
1.	Common Excavation	1100	CY	8.00	8.800.00
2.	Concrete Removal	382	SY	5.00	1,910.00
3.	18" RCP Storm Sewer	360	LF	38.00	13,680.00
4.	12" RCP Storm Sewer	27	LF	35.00	945.00
5.	Special Backfill	500	CY	8.00	4,000
6.	Field Tile Replacement	200	LF	7.75	1550
7.	Type I-C Manhole	1	EA	1500	1500
8.	Type I-C Inlet	1	EA	600	600
9.	Type II-C Inlet	1	EA	700.00	700.00
10.	6" Sub-Surface Drain	1200	LF	6.00	7200
11.	6" Concrete Pavement	1800	SY	18.00	32.400
12.	Type II-A Curb	1200	LF	3.50	4200
13.	6" Concrete Drives	255	SY	25.00	6375
14.	Top Soil	75	TON	10.00	750
15.	Backfill for Parkstrip	40	TON	OL	~~4~~ 40
16.	#73 Stone	155	TON	11.00	1705
17.	4" Sidewalk	6000	SF	2.00	12,000
18.	6" Wingwalk 3.50	150	SF	3.50	525
19.	#53 Base HAC	50	TON	35.00	1750.00
20.	#9 Binder	15	TON	36.00	540.00
21.	A-2 Surface	10	TON	45.00	450.00
22.	Fine Grade, Seed, Mulch & Fertilizer	1000	SY	1.00	1000.00

TOTAL: ~~102,584~~ 102,580.40

9/8/87

SHEET 1 OF 1

Note: Contractor will be paid on measured quantities only at unit price bid

In submitting this bid, it is understood, that the right is reserved by the Owner to reject any and all bids, and to waive any defect in any bid.

IN WITNESS WHEREOF, the bidder (a firm) by its owner(s) named below, hereunto set hand(s) and seal this _____day of _____19___.

FIRM NAME_____

BY:_____

_____

ADDRESS: _____

_____

TELEPHONE: _____

IN TESTIMONY WHEREOF, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 2 day of 9, 19XX.

Gains Concrete Co Inc
NAME OF CORPORATION

BY: Henry Gains Jr
PRESIDENT

ADDRESS: 217 W Wash Center Rd
Fort Wayne Ind 46825

TELEPHONE: 482-7280

ATTEST:

_____

NOTE 1:

Use this form, if Cashier's or Certified Check accompanies bid:

Enclosed herewith, find Cashier's or Certified Check for $_____

being __5__% of the maximum bid herein, made payable to:

THE CITY OF FORT WAYNE, INDIANA

the proceeds of which, are to remain the absolute property of said City, if_____

BIDDER

shall not within __10__days after Notice of Acceptance of the within bid, enter into a written Contract, and secure said contract by a Performance Bond, for the full amount of the Contract to the approval of the proper officials of said City.

NOTE 2:

Use this form, if Bidder's Bond accompanies bids.

Enclosed herewith, find a Bidder's Bond in an amount equal to five (5%) per cent of maximum bid herein, subject to the approval of the Board of Public Works and Safety, conditioned as follows:

That if the Board of Public Works and Safety shall award the Contract for said work, and, if _____

Yarnell Const Co Inc

BIDDER

shall enter into a Contract and furnish a 100% Performance Bond, as required, within ten (10) days from the date, he/she/it is notified of the acceptance of his/her/its bid, then the obligation of said bond shall be null and void; otherwise, to remain in full force and effect.

TO BE EXECUTED BY BIDDER AND SURETY COMPANY BEFORE DEPOSITING BID

BIDDER'S BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we, _____ as principal, and

_____

and _____
as sureties, are held and firmly bound unto the City of Fort Wayne, Indiana, in the sum of

_____DOLLARS ($_____), to be paid to the said City of Fort Wayne, Indiana, or its successors or assigns, for the payment of which, well and truly made, we hereby bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

SIGNED AND SEALED at _____, this

day of _____, 19____.

The condition of this obligation is such that if the accompanying bid or proposal of _____

_____

made this day to the City of Fort Wayne, State of Indiana, is accepted, and, the Contract awarded to the above bidder, and, the bidder shall, within ten (10) days after such award is made, enter into a Contract with the City of Fort Wayne, State of Indiana, for the work bid upon, and, give bond as required; then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

SIGNED at

this _____ day of _____ 19 ____.

_____ _____

_____ *_____

PRINCIPAL SURETY

*If signed by an agent, appropriate Power of Attorney shall be attached.

MBE/WBE COMMITMENT FORM

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

A. MBE The undersigned firm certifies that it is an MBE/~~WBE~~ Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership 100%.

For WBE specify percentage of women ownership 0 %.

B. 0 The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm (cross out inapplicable provision) is a joint venture partner.

The MBE/~~WBE~~ firm (cross out inapplicable provision), shall have 98 % participation (employees) 98 % participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm 0 %. (Cross out inapplicable provision.)

C. The undersigned commits 98 % of the total bid price as a subcontract to minority business enterprise participation. The MBE firms, which are proposed as subcontractors, are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1.		
2.		
3.		

D. The undersigned commits 2 % of the total bid price as a subcontract to women business enterprise participation. The WBE firms, which are proposed as subcontractors are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. Catherine Beckum	Hanna	Trucking
2.		
3.		

E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(Attach additional sheets as necessary.)

Contractor Gaines Const Co Inc.
By Henry Gaines J.
Its V-Pres.

Contractor Gaines Const Co Inc
By Henry Gaines J.
Its V-Pres.

"MINORITY/FEMALE HOURLY UTILIZATION"

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females, so that minorities and females will work at least 17 % of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons: _____

2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure: _____

(Attach additional sheets, if necessary.)

CONTRACTOR: Gaines Const Co Inc.

By: Henry Gaines Jr.

Its: V-Pres

STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

NAME	TELEPHONE NUMBER
Henry Gaines Sr.	4837280
Joe Gaines	4563231

Gaines Const Co Inc.
Contractor

Resolution No. 6103-87

It is the policy of Gaines Const Co Inc. (Company) that

equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, or national origin.

In support of this policy Gaines Const (Company) will not

discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin.

The Gaines Const (Company) will take affirmative action

to insure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex, or national origin. Such action will include but not be limited to:

RECRUITMENT, ADVERTISING OR SOLICITATION FOR EMPLOYMENT, HIRING, PLACEMENT, UPGRADING, TRANSFER OR DEMOTION, SELECTION FOR TRAINING INCLUDING APPRENTICESHIP, RATES OF PAY OR OTHER FORMS OF COMPENSATION, LAYOFFS OR TERMINATION.

Gaines Const Co Inc.
(Name of Company)

Henry Gaines Jr.
(Signature of Company Official)

Sept 1 1987
(Date)

CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, Henry Haines, the Pres
Name Position
, the Haines Co. Inc.
Company

HEREBY CERTIFY:

1. That the Financial Statement of said Company, dated the 1 day of Sept., 19 87, now on file in the office of the Board of Public Works & Safety of the City of Fort Wayne, Indiana, which Financial Statement is by reference incorporated herein and made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,

2. That I am familiar with the books of said Company, showing its financial condition and am authorized to make this Certificate on its behalf.

DATED Sept. 1, 1987

Henry Haines
Signature

Pres
Title

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, this 1st day of Sept, 19 87.

Barbara A. Brinson

NOTARY PUBLIC
Resident of Allen County, IN

My Commission Expires:

8-2-90

NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and Gaines Const

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or, has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the lettering of the Contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person, whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contract sought by this bid.

Henry Gaines

V-Pres

Subscribed and sworn to before me by Henry Gaines

this 1st day of September, 1987.

My Commission Expires: Barbara A. Brunson

8-2-90

NOTARY PUBLIC
Resident of _____ County, IN

Subscribed and sworn to before me by _____

this _____ of _____, 19___.

My Commission Expires: _____

_____

NOTARY PUBLIC
Resident of _____ County, IN

Subscribed and sworn to before me by _____

this ____ day of _____, 19___.

My Commission Expires: _____

_____

NOTARY PUBLIC
Resident of _____ County, IN

IMPROVEMENT RESOLUTION

FOR STORM SEWER, STREET AND SIDEWALK

NO. 6103-87 - PREMIERE DRIVE

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA,

That it is deemed necessary to improve PREMIERE DRIVE from Lower Huntington Road to Airline Drive with new storm sewer, street and sidewalks.

All in accordance with the profile, details, drawings, and specifications on file in the office of the Department of Public Works and Safety of said City; and such improvement is now ordered.

REVOLVING BARRETT LAW

The cost of said improvement shall be assessed as follows on the real estate abutting on said improvements as above described and upon the City of Fort Wayne, Indiana:

STORM SEWER:	33% PROPERTY OWNERS 67% CITY OF FORT WAYNE
STREET/CURB/SIDEWALK:	60% PROPERTY OWNERS 40% CITY OF FORT WAYNE

all according to the method and manner provided for in an Act of the General Assembly of the State of Indiana, and the provisions of all Acts amendatory thereto and supplemental thereof.

Assessments if deferred are to be paid in ten equal installments with interest at the rate set by the Board of Public Works and Safety per annum and financed by Barrett Law Revolving Funds as provided for in the above entitled acts.

All proceedings and any work done on said improvements, assessment of property, collection of assessments, therefore, shall be as provided for in said above-entitled acts and all amendments thereto and supplemental thereof.

Adopted, this 12th day of August, 1987.

BOARD OF PUBLIC WORKS & SAFETY

Rosette R. Gilbert

ATTEST: Helen D. Hochgesang
Secretary and Clerk

Admn. Appr. _____

TITLE OF ORDINANCE Contract for Res. 6103-87, Premiere Drive

DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety

SYNOPSIS OF ORDINANCE The Contract for Contract for Res. 6103-87, Premiere Drive, is deemed necessary to improve Premiere Drive from Lower Huntington Road to Airline Drive with new storm sewer, street & sidewalks. Gaines Construction Company, Inc., is the contractor.

S-87-05-33

EFFECT OF PASSAGE Improvement of above area.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) $102,580.40

ASSIGNED TO COMMITTEE

BILL NO. S-87-09-33

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the Contract for Res. 6103-87 - Premiere Drive, Storm Sewer, Street & Sidewalk between GAines Construction Company, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

YES		NO
Samuel J. Talarico	SAMUEL J. TALARICO CHAIRMAN	
Janet G. Bradbury	JANET G. BRADBURY VICE CHAIRPERSON	
	PAUL M. BURNS	
	JAMES S. STIER	
Charles B. Redd	CHARLES B. REDD	

CONCURRED IN 10-13-87.

SANDRA E. KENNEDY
CITY CLERK